IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8728 of 2005

Between:

V. Ramanaiah, S/o. Thiripaiah,
E.No. 682918, R/o. Flat No. 301, Sri Lakshmi Apartments,
Hasmathpet, Secunderabad - 9.

..... PETITIONER

AND

1 The Regional Director (South), Indian Airlines, Southern Region, Chennai.
2 The Area Marketing Manager, Indian Airlines, Hyderabad.
3 Sri. T.R. Rajagopalan, Southern Region, I.A.L., Chennai.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the Respondents herein by issuing a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the impugned Proceedings No. RD/SR/DISC/2096 dt. 31-3-2005 in imposing the punishment of reduction to the posts of Office Assistant (SR) in the scale of Rs. 3950-5850 with basic pay at Rs. 5,150/- with effect from 1-4-2005 by the 1st Respondent as arbitrary, illegal, unjust, contrary to law, without jurisdiction, perverse, in violation of principles of natural justice and also in violation of Articles 14, 16 and 21 of the Constitution of India and consequently set aside the impugned order dt. 31-3-2005 passed by the 1st respondent and to pass such other order or orders as this HOn'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondents 1 & 2: MR.K.SRINIVASAMURTHY

The Court at the admission stage made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 8728 of 2005

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O R D E R:

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

Two contentions have been raised by the petitioner, that the 1st respondent has no jurisdiction as per the Standing Orders (Regulations) and that the petitioner lost the right of appeal inasmuch as the 1st respondent is the appellate authority.

The impugned order is passed by the 1st respondent. Though as per the Regulations he is the appellate authority, but for imposition of punishments under (b to f) of the Regulation No.17 the 1st respondent is the disciplinary authority. Other than those punishments the Superintendent is the disciplinary authority. Against the orders of the Superintendent, appeal lies to the 1st respondent. For imposition of major punishments under (c to f), the 1st respondent alone is the competent authority. Since the 1st respondent passed the order, further appeal lies to the appellate authority as per the Regulations. Therefore, the contention of the petitioner that he lost the right of appeal is wholly untenable and devoid of merit. It is not a case of violation of principles of natural justice.

The other allegations are with regard to questions of fact

which are required to be decided by the appellate authority. Since alternative and efficacious statutory appeal is provided, the writ petition is dismissed at the stage of admission giving liberty to the petitioner to take recourse to the alternative remedy available under the Regulations.

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K.C. Bhanu, J.

Date: 28--04—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Director (South), Indian Airlines, Southern Region, Chennai.
2 The Area Marketing Manager, Indian Airlines, Hyderabad.
3 2 CD copies